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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,708	03/11/2004	James D. Wilson	HEND-BQ	6206

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EXAMINER

BRAHAN, THOMAS J

ART UNIT PAPER NUMBER

3654

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,708

Applicant(s)

WILSON, JAMES D.

Examiner

Thomas J. Brahan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The following is a quotation of the second paragraph of 35 U.S.C. § 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.
2. Claims 7 and 8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - a. In claim 7, the term "said sensor" lacks antecedent basis within the claims.
 - b. Claim 8 adds a pair of sensors into the claimed combination of element which are redundant recitations of the sensor means of claim 1.
3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1, 4-6 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cherico in view of Reynard et al. Cherico shows the basic claimed docking bay system having a chock with sensors, but varies from claim 1 as the system does not include a programmable microcontroller. Reynard et al shows a similar loading dock system with a programmable microcontroller (PLC). It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the loading dock system of Cherico by providing it with a programmable microcontroller, to automate the system and interrelate the blocking system with the rest of the loading dock features, as taught by Reynard et al. Both Cherico and Reynard et al have indicator lights, as recited in claims 4-6. Note that Reynard et al correlates the system with the dock doors, as recited in the alternative in claim 5. Providing the system with a wheel chock for each of the rear tires, as recited in claim 8, would have been an obvious duplication of parts, that would have been within the level of ordinary skill in the art at the time the invention was made by applicant.
5. Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cherico in view of Reynard et al, as applied above to claim 1, and further in view of Fischer et al. Cherico, as modified, shows the basic claimed docking bay system, but varies from the claims by having a mechanical sensor at the chock instead of an inductive proximity sensor. Fischer et al shows a similar wheel sensor which is an inductive proximity sensor which detects the metal of the steel belts. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the docking bay system of Cherico by substituting an inductive proximity sensor for the mechanical sensor, as to use a non-


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contact sensor, for reliability, as taught by Fischer et al. The sensing range, as recited in claim 3, would have been an obvious design expedient, within the level of routine skill in the art at the time the invention was made by applicant.

6. Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Cherico in view of Reynard et al, as applied above to claim 1, and further in view of Strelnicks. Cherico, as modified, shows the basic claimed docking bay, but varies from claim 7 by not having the sensor cord intertwined with a chain. Strelnicks shows an electric cord (22) mounted within a protecting chain, see figures 2 and 3. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to provide the cord of the sensor of Cherico with a chain, to protect the cord from damage, as taught by Strelnicks.

7. Yeakle, Hageman et al, Metz and Paul et al are cited as showing related loading dock systems. Mills et al, Hutton et al and Mulvenna et al show docking systems with proximity sensors.

8. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Ms. Eileen Lillis, can be reached at (571) 272-6928. The new fax number for all patent applications is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thomas J. Brahan
Primary Examiner
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